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Dated: April 28, 2011

Signature: 

(Jeremy D. Protas)

Docket No.: 29171/39318A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yong X. Tao et al.

Application No.: 10/541,803

Confirmation No.: 4237

Filed: May 2, 2006

Art Unit: 3744

For: 3-DIMENSIONAL HIGH PERFORMANCE
HEAT SINKS

Examiner: A. J. Flanigan

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned requests that the Patent and Trademark Office issue a refund of the fee for Three Months Extension of Time, \$555.00, submitted on April 28, 2011. Support for this request is as follows:

1. On October 28, 2010, the Office issued an Office action finally rejecting the pending claims in the instant application.
2. Applicants filed a response to the Office action on December 28, 2010, following a telephonic interview with Examiner Flanigan.
3. On January 11, 2011, the Office issued an Advisory Action, entering the amendments in the Response of December 28, 2010, but maintaining the rejection according to the reasoning set forth therein.
4. Also on January 11, 2011, Applicants' attorney contacted Examiner Flanigan to clarify issues addressed in the Advisory Action. Applicants' attorney understood the Examiner to agree that the pending claim language does not refer to every

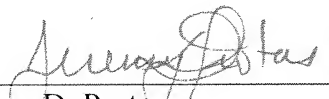
intersection in the claimed apparatus, and that the sole remaining grounds for rejection (under 35 U.S.C. § 112, first paragraph) would be properly withdrawn.

5. On January 24, 2011, Applicants filed a Supplementary Response according to the interview of January 11, 2011, therein filing a summary of the interview and remarks clarifying on the record the issues addressed in the Advisory Action. As the three month shortened period for reply had not yet expired, Applicants did not file any petition for extension.
6. On April 27, 2011, it came to the attention of the Applicants' attorney that the six-month statutory period for reply would expire the following day, and that no correspondence had been received following submission of the Supplemental Response filed January 24, 2011. It was Applicants understanding from the Examiner Interview on January 11, 2011, that the Supplemental Response would result in a Notice of Allowance.
7. Also on April 27, 2011, Applicants' attorney contacted Examiner Flanigan. The Examiner indicated that, due to an error on the part of the Office, the Supplemental Response filed January 24, 2011, was improperly categorized and, as a result, the Supplemental Response did not result in placement of the instant case on the Examiner's "special docket."
8. Concurrently with this Request for Refund, Applicants, out of an abundance of caution, file a petition for a three-month extension of time, extending the deadline for reply to today, April 28, 2011, to ensure that the instant application remains pending so that a continuation application may be filed. However, Applicants respectfully submit (and Examiner Flanigan appears to agree) that the Responses previously filed should have resulted in (1) a Notice of Allowance or (2) withdrawal of the finality of the previous Rejection, and re-opening of prosecution. Accordingly, Applicants respectfully submit that no Extension would be required but for the Office's mistake and, therefore, file this Request for Refund.

Please issue the refund to the Credit Card to which the fee was charged under matter number 29171/39318A. A prompt refund is respectfully requested.

Dated: April 28, 2011

Respectfully submitted,

By 
Jeremy D. Protas

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